

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

JOSE OVIDIO MEDINA SALGADO,

Petitioner,

v.

CIVIL ACTION NO. 2:22cv521

CAROLINE DETENTION FACILITY,
et al.,

Respondents.

FINAL ORDER

Before the Court is a Petition for a Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241, ECF No. 2, and the Respondents' Motion to Dismiss for Lack of Jurisdiction, ECF No. 6. In the Petition, Jose Ovidio Medina Salgado ("Petitioner"), an immigration detainee, challenged the conditions of his detention with U.S. Immigration and Customs Enforcement pending his deportation to his country of citizenship, El Salvador.

This case was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), Federal Rule of Civil Procedure 72(b), and Local Civil Rule 72 for a Report and Recommendation. As explained in Respondents' memorandum in support of their Motion to Dismiss for Lack of Jurisdiction, Petitioner was removed from the United States to El Salvador on September 23, 2022. ECF No. 7 at 3. Accordingly, on July 7, 2023, the Magistrate Judge filed a Report and Recommendation ("the Report") recommending dismissal of the Petition. ECF No. 9. By receiving copy of the Report, each party was advised of its right to file written objections to the Magistrate Judge's findings and recommendations. *Id.* at 4. The Court received

no objections to the Report and the time for filing objections has now expired.

Accordingly, the Court does hereby accept the findings and recommendations set forth in the Report of the United States Magistrate Judge filed July 7, 2023, and it is, therefore **ORDERED** that the Respondents' Motion to Dismiss for Lack of Jurisdiction, ECF No. 6, be **GRANTED**, and that the Petition, ECF No. 2, be **DENIED AND DISMISSED**.

Petitioner may appeal from the judgment entered pursuant to this Final Order by filing a written notice of appeal with the Clerk of this Court, United State Courthouse, 600 Granby Street, Norfolk, Virginia, 23510, within sixty (60) days from the date of entry of such judgment.

The Clerk is **DIRECTED** to forward a copy of this Final Order to Petitioner's last known address¹ (if known) and to provide an electronic copy of the same to counsel of record for the Respondents.

IT IS SO ORDERED.

Arenda L. Wright Allen
United States District Judge

Norfolk, Virginia
Date: August 16, 2023

¹ Petitioner departed the United States on September 23, 2022, prior to the Magistrate Judge's Report and Recommendation being filed and failed to provide any updated address for service pursuant to Eastern District of Virginia Local Civil Rule 7(B). As a result, Petitioner's copy of the Report was returned to the Court as undeliverable.